GRANTED A NEW TRIAL.

Decision of the Court of Appeals in the Jersey City Murder Case.

A LEGAL LESSON TO JUDGE KNAPP.

Common Sense Construction of the Famous Letter.

MRS. SMITH OVERCOME WITH JOY.

She Expresses Confidence in the Final Result of Her Troubles.

BENNETT STILL MOROSE.

In the Court of Errors and Appeals of the State of New Jersey yesterday morning Chief Justice Beasley delivered the opinion of the Court in the case of Jennie R. Smith and Covert D. Bennett, the sileged murderers, reversing the decision of the Court be-low and granting the condemned a new trial. There as a large audience in the court room, and the result seemed to give unbounded satisfaction. The and Woodhull and that of Lay Judge Clement, Judge Knapp, who was on the bench, did not vote. Judge iden murderer, to be hanged, and Judge Reed ed our the same fate to Jack Hughes, the Sussex ounty murderer, and two other murderers in South ersey On motion of Mr. Fleming an order was this case to the Hudson County Oyer and Terminer. It is likely that the prisoners will be retried next September. It is rumored that Judge Knapp has re-fused to sit in the case again.

The following is the full text of the opinion:—
This record and the proceedings at the trial are better this Court for the single purpose of obtaining a review of the law as it was administered in the Court of Oyer and Terminer and as it was re-established in the Supreme Court. The testimony is before us in extense, but with it we have, officially, no concern, except so far as it elucidates or is connected with the procedures and logal rulings at the trial. So emirroly is this true that even if we were satisfied that these defendants were innocent of the crime of which they have been convicted we could not on that account alone interfers in any wise with this judgment, for the power of giving reliaf in such a juncture is m other hands than ours. When we shall have responded to the question, whether these defendants have been tried according to the modes and rules established by the laws of this State, our whole duty will be performed, for to do more than this would be an intrusion upon that authority with which, by the constitution, another tribunal has been invested. I shall therefore address myself exclusively to the examination of the errors in law that are alleged to have supervened in the course of these proceedings.

The first objection to be noticed is a formal one. The following is the full text of the opinion:-

appears that the kiefundants, prior to the occasion as resulted in this verdict, had been put upon seir trial on this same indictment before another my, and that a member of such jury becoming inthe such jury was on that account discharged by se trial court. This circumstance, appearing in the inery and that a member of such jury becoming insahe such jury was on that account discharged by
the trial court. This circumstance, appearing in the
record before us a part of the course of law taken in
the case, is now assigned as error, the ground being
not that the Court, if the necessity arose,
could not have rightly discharged the jury,
but that in this instance the proceedings on which such judicial action was based
were irregular and illegal. With respect to the procedure, as recited on the record, two errors are assigned; first, that the defendants were not present
when the physicians examined the juror, nor, second,
when the physicians examined the juror, nor, second,
when the physicians examined the juror, nor, second,
when the optimize the physicians was taken in
Court. Touching this latter exception it is sufficient to say that it is not sustained by the proof,
but, on the contrary, the record read according to
legal intendment shows the reverse. The statement
is that the trial was continued to the day on which
this examination was in open court. When a
detendant is shown to be present at the commencement of the trial the breaumption of law is that he
is also present at each day to which the trial is regularly de die in diem continued. It must, therefore,
be considered as conclusively shown that the examination of the physicians was in the presence of the
defendants, and that consequently this objection,
eyen if there is anything in it, as a legal proposition
has no basis of fact upon which it can rest.

AN OBJECTION NOT VALID.

The second objection, which embraces the contention that the defendants should have had the
opportunity of being present when the juror was
undergoing examination by the physicians, is not
valid. The Court could have examined any person
who was acquainted with the mental condition
of the juror in the presence or in the absence
of the prisoner. Such is the everyday
practice of the courts in this class of cases. These
proceedings are always aummary in their

of the juror in the presence or in the absence of the prisoner. Such is the everyday practice of the courts in this class of cases. These proceedings are always summary in their character and of necessity must reat almost entirely in the discretion of the Court, and the exercise of such discretion of the Court, and the exercise of such discretion must be deemed conclusive, except it may be a clear case of the abuse of such authority. Nothing of the kind in this instance is pretended, and no objection whatever, soo far as appears, was taken at the time by the counsel of the defendants to any part of this transaction.

Sictore leaving this topic it is proper to say that the objection of the Attorney General to the right of the defendants to assign as error the forgoing matter has been considered, and that it is deemed that such objection is not tenable. The contention was that what had taken place at the former trial was a matter of fact, which, if a bar to a further prosecution, should have been pleaded at the last trial, and if the State should in the common form deny such assignments, an issue of fact would be raised. But the view, I think, is not in harmony with the precedent. The general rule is that whenever a material error is evident on the face of the record the judgment must on that account be reversed, and consequently any error thus appearing may be assigned for error. The issues thus raised, as they are to be proved by the record itself, are issues of law and not issues of fact. If, however, a former trial is set up, being no part of the proceedings in the pending case, but a distinct thing from ti, the fact of such former trial would have to be pleaded and could not be assigned for error.

Of No Avall, to THE DEFENDANTS.

The series of exceptions that next require attention approach more nearly the merits of the case, relating as they do to alleged misconceptions of the Judge as to various matters of fact, and his instructions to the jury suit or the detendants in this court, as they seek to call in

shongs the wain, no precise assigned to which don't remember; but there is testimony to show, and it appears upon the drawings. A man must draw bituself
from the cellar floor on this leigo, up through
the hole, which was about two feet wide, without
the crocks being there; fourteen or sixteen
mohes high, between the other boards and the stairs
above, a man must draw bituself up; he must have
the use and force of his serms to do it, with such aid
as he can get with his feet on the ledge. It may be,
perhaps is, a possible thing to be accomplished.
The jury will look at that. If it were not possible to
do it is an important circumstance in the case, as it
is the only place where there is any sign of violence
in gaining entrance. No window or door is broken;
indeed, so far as appears, the doors were not locked
nor the windows fustened. Why go into the cellar
and break up the floor and remove earthen and iron
lars to get in a house where they had but to turn
the latch of the door or step through a window?
These are matters the jurors must pass upos, because they lead to throw light upon this question
of whether the truth is told or workner there is a
design or contrivance. Why should he go out that
way? Why creep through such a space into the cellar to get out to the closet where the weapons were
found if these were the weapons that were used?

It will be observed that in these remarks the
learned Judge ascribes to this detendant the
"story" that "someBody" came in by this broken
floor and removed the "crocks," Just as ascribed
to her the story of her having been stupefied by
chloroform. With regard to the use and effects of
the drug upon her, he had a clear right to hold
her responsible for such statement, because, that
she had made a statement to that effect was an
incontestable fact in the case, and was admitted
on all sides; but had he a right to assert in his
charge to the jury that her "story" then she
had narrated the fact as a part of her experience, just
as she had the fact of having been made Insan

story? Was the learned Justice justified in any degree in laying to her account the story that the murderer had entered in this way, in the same sense that he could lay to her account the statement with regard to the chloroform? The answer to this depends altogether on the circumstance whether there was any evidence whatever in the case tending to show that this defendant had made the statement in question. Was there any proof, direct or inferential, that she had ever told any story whatever on this subject? If there was, then the judicial assumption from such evidence of the fact and the presentation of it as a fact, however indiscreet or ili-advised such an assumption may have been, and however clearly such indiscretion would have been effective in procuring a new trial and motion for that purpose will not constitute an error in law upon which this Court can reverse this judgment. The question is, therefore, whether there was any testimony upon the subject, or whether the alleged fact of her having told such a story was an inroduction by inalvertence into the proofs of a foreign ingredient. That is a matter that can be settled only by an appeal to the evidence, and as the point of it is of so much consequence, I have collected all the testimony on the subject and will set it out in full.

WHONGLY ATTRIBUTED. Here the Chief Justice read the portions of the testimony of Officer O'Neill, Captain Lennon, Hattie Smith and Jennie R. Smith relating to this pointthe condition of the closet and the hole in the floor.

He then continued as follows:—

From this series of citations it is, in my opinion, conspicuously ovident that there was no foundation in the testimony in this case for the attribution to this defendant of a story on the subject in question. Slic never, at any time or on any occasion, pretended to know anything about it. When assisting the officers in their search she opened the door of this closet and stated, what was undoubtedly the fact, that the hole at the back seemed larger than it had been, and that what she called her crocks had been moved from their usual position; and some time atterward, when asked her opinion by her companion in jail she said the person that had committed the murder had come in through the closet. Such was her inference, but did she ever have a "story" with regard to the matter to the truth of which she was so committed that, as the case was put by the charge, upon the falsification of it by the evidence, she was convicted of falsehood and of having resorted to a contrivance to turn aside suspicion. She no more stated the fact in question as a matter within her experience than did the policeman who theorized upon the subject and drew a similar infer-

her experience than did the policeman who theorized upon the subject and drew a similar inference stated as a fact within his experience. It is to be remembered in this connection that this defendant gave a history of her own relation to this affair that entirely negatived all protence that she claimed to have any knowledge derived from her sones with respect to the particular in question. In the account that she gave of her stupefaction by chloroform—an account which, if untrue, is such a marvel of plausibility—sine said that she was asieop when the assassin entered the room, and that she did not return to consciousness until after he had gone. There was no room here, therefore, for any story on her part as to either his coming or going. She not only did not tell a story in that respect, but sno precluded the possibility of her doing so. The chioroform transaction had been verified by her senses, according to her statement, and she had a story to tell shout that, and or which story truth or falschood could be predicated; but with regard to the matter now investigating, it was impossible, by her own showing, that she could have anything to tell that had been thus verified by her senses, so that a moral test could be applied to it.

And at this point it is well to notice that there was nothing in the testimony in this case that leads inevitably to the conclusion that the displacement of the door and of the articles in this closet had been the worker of the murdered roof there was no over the control of the conclusion that the displacement of the door and of the articles in this close that leads inevitably to the conclusion that the displaced of the work of the articles in this close that leads inevitably to the conclusion that the displaced of the work of the articles in the country of the conclusion that the same and the propose that the same that he had been that well as the same that he had been that well as the same that he had been that the same that he country and the process that the country of the proof,

tive appearances contrived by the defendant, de-pends whelly on the condition that she is convicted of an untruth in the assertion, from the fact that the assessin came in through the open floor. Her false statement is a necessary postulate to the conclusion to which the jury ware pointed, and such necessity heavings at once menifest if we sumit such postulate

ing cannot be made intelligible on any other basis than the assumption that the detendant was charged with the statement in question. It is, consequently, in my judgment, impracticable to eliminate from this charge this direct ascription to her of a story that was not hers.

It has already been said that it is competent for the judge presiding at a criminal trial to lay before the jury for their consideration his own views and inferences from the proof, and that such expressions, no matter how ill advised or erroneous, can be reviewed on a motion for a new trial, but not on a writ of error; but the defect in this case is that a story is imputed to this deiendant and put in her lips which she never uttered, and thus a fact of the utmost importance is by unguarded expressions imported into the testimeny, and the introduction among the proofs of such foreign admission must of necessity be held to constitute eraor in law.

This VOTE.

Believing as I do, therefore, that at the trial at the Oyer and Terminer errors appear in these important particulars, and that such errors must have prejudiced both these defendants on the trial of the merits of the case. I shall vote to reverse the judgment contained in this record.

its of the case, I shall vote to reverse the judgment contained in this record.

The judgment below was then reversed and a new trial granted by the following vote:—

To Reverse—Chancellor Runyon, Chief Justice Beasley, Justices Dairympie, Depue, Dixon, Scudder and Van Syckel, and Lay Judges Dodd, Green, Lathrop, Lilly and Wales—12.

To Allirm—Justices Beed and Woodhull and Lay Judge Clement—J.

"I have been granted a new trial and my heart is too full for utterance," said Mrs. Smith yesterday afternoon in the jail in Jersey City.

She sat on a low stool as she spoke and swayed with a measured movement from side to side, like crisis, and bringing all her strength into play to sub due its emotional effects. The cell in which she is confined is in the front of the jail and looks out upon the trees and garden in front. It is very clean and only scantily furnished. The cot bed, a little square table, an arm chair and two stools are everything it holds in addition to the prisoner and a canary bird. On the window were two books, one of them apparently religious, and on the sewing materials. The canary bird hung in the window, the table was between the winand the door and the chair and stools arranged round fronting the light. Pouring straight down came the rain, the canary clung to the wire sides of the cage, and Mrs. Smith was looking through the window, evidently seeing

ir vacant.
Smith is very particular about the chair,"
e of her counsel who was present. "She
her friends to sit there when they come to wishes her friends to sit there when they come to see her."

She wore a dress of thin black material; her hair was combed straight back from the forehead, with a bunch lett free from binding at the top and the remainder flowing down behind over her shoulders. She has grown pale from confinement, but is otherwise as comely and attractive as of old. If personal appearance had anything to do with crime, no one looking at Mrs. Smith would ever accuse her. She is short and shapely, with a round face and large eyes that look frankly forward and seem to be the very essence of ingenuousness and candor. The lips are somewhat thin, hard and coloriess, with a tightening at the corners and a suggestion of cruelty shaded, as it were, along their surface. The hands bear evidence of severe household labor, but the arms above them are ivory white and beautifully moulded.

moulded.

PEW PHINDS AND NO VISITORS.

She retained her hands in her lap for probably the space of half an hour while she held the following conversation with a representative of the Henard:—

"Have you many friends, Mrs. Smith?"

"No, indeed; very few; and I see no one—that is, no visitors from outside the prison."

"Here you no family?"

"Here you no family?"
"I have a sister, but she is unwell; and I have:

stepfather."
"You must be lonely, then, sometimes?"
"Oh, dear, no. The prison is very crowded and my counsel are very attentive and iriendly to me."
"You are pieasanity located here?"
"Yes, I am as well as circumstances will allow. I have nothing to complain of here. They are all kind and considerate to me."
"Then the curiosity seekers have not bothered you much?"

"Then the three have been many callers, but I much?"
"I am told there have been many callers, but I have refused to admit any of them. My position was one that demanded rest and quiet, and at one time my health was such that I was fearful of ex-"The HERALD was fortunate, then, in gaining ad-

mission?"
"The HERALD has been a good and powerful friend

"The Herrand has been a good and powerful friend to me all along."
"Did you know yesterday the final hearing was to come up to-day?"
"Yes, I knew that, but very little more. They did not tell me much about it. I suppose it was better they had not. To help me and to spare my feelings has been their every care."
"You must have been very anxious."
"I was, and had been for a long time. I had almost grown used to anxiety, if that were possible. It is such an acute sense, and cuts and eats so. Ah, nothing can keep it up but hope and faith in heaven, and belief that the right will always suc-

ceed."
"You looked forward to to-day's proceedings hopefully then?"
"I did."
"Did you expect such news?"
"No. I can scarcely say that I did; I hoped for the best, while I was prepared for the worst. My connidence in the justice of my petition and the impartiality and fairness of the law gave me strength to bear up against the conflicting emotions that have visited me during the past few months."
"Then you put great reliance in the decisions of the upper Court?"
"I shi. I knew they would do right by me."
"How did you receive the news?"
"One of my counsel brought it to me. He was so nervous and anxious that I should hear it soon that he remained only to be sure the decision was in my lawer and then came here as fast as ever he could. I have been most iortunate in my legal advisers. They are as much interested in my case as if they were implicated in it. I take that to be a good sign. It is a token of a good cause. I have read that guilty people rarely inspire such interest in others."

ONE TEAR IN JAIL.
"How long have you been in jail now?"

"How long have you been in jail now?" "Just a year."
"You must find the time hang heavily on your

"Just a year."

"You must find the time hang heavily on your hands."

"No; I can't say that I do."

"Wo; I can't say that I do."

"Why, how do you occupy yourself?"

"Well, I read and sew."

"You appear to have plenty of company."

"I am surrounded here by other poor women, and their going and coming aometimes take away my thoughts from my own dismal fate."

"You look forward, no doubt, to a brighter future."

"I have hopes, great hopes, that my innocence will be made clear. But the future—I don't think of that. The one before me up to to-day was awful, terrible; and the change to-day has been so sudden, and it is so short a time since I became aware of it that I don't know whether I fully realize it yet."

"Have your counsel explained to you how they look upon the chances of the now trial?"

"No; they have brought me the news and they seem to be in good spirits, but bayond congratulating me they have said nothing. I am sure they will leave nothing undone to help me."

"What do you now think of your former trial?"

"I think everybody connected with it did what they thought was right and just. I have no feeling against any one, not the slightest. As I look into my heart this moment I see nothing there but gratiude."

"Where did you receive the information of the

uide."
"Where did you receive the information of the new trial?"
"Here; just where we are."
"You had no indication of it until the gentleman

"You had no indication of it until the gontleman came in?"

"No, not the slightest."

"What did he say first?"

"He said, 'Be caim, now, and quiet.'"

"That, of course, roused you?"

"No, I was nerved to be caim. He was pale, and, I think, trembling. I understood from his manner that his news was very important."

"It could not well be otherwise."

"No, It was either a 'yes' or a 'no.' But yet, other accidents might have intervened. The courts do not always meet the expectation of those waiting their decisions in regard to time. 'The law's delay' I have heard it celled."

"Then, when you heard the answer to your appli-

I have heard it called."

"Then, when you heard the answer to your application was 'Yes'"—

"I auf afraid I gave way completety. I broke down. How could it be otherwise? I thought I could meet anything. I had been so well propared. My lawyers kept saying to mo, 'Think only of the worst. Make up your mind to meet the worst.' I tried to obey them with all my might, and I owe it to them and their singleness of purpose and devotion to me. But a woman's heart will go on living on a very little hope."

"Is there anything particular you wish me to say for you?"

"is there anything particular you wish me to say for you?"
"Yes; please thank the Herald. It has done a great deal for me. And if you will be kind enough at the same time to thank all those other noble hearted people who have helped me you will be doing me a kindness."
"Have you seen none of them yet?"
"No, but I expect to see some of them soon, new. I have had word that one or two of them are coming out here next week. By that time I shall be composed and able to find words to thank them as they deserve."

At parting Mrs. Smith rose, shook hands and saw her visitors out at the cell gate. Mr. Allen, the

amount to when success is the end of the straught?
We have no doubt now of the result. We will show
the world an innocent, suffering, much wronged
woman. We have had new evidence brought us, we
have worked up more, and we are thoroughly prepared for a magnificent contest. We entirely understand the magnitude of our undertakling and the ability and knowledge opposed
to us; but there is a might in right that is all powerful. The case will probably be tried in September,
but Mrs. Smith will be removed from here in a day
or two. I see no reason now why all her friends
may not be allowed to see her. We have been imperative up to this because of the difficulties and
peculiarities of the case, but now I think she may be
allowed a little recreation, and it will be a great onjoyment to her to see her friends.

District Attorney McChill was greatly surprised at
the decision reversing the conviction. He said that
he did not think the counsel for the defence expected
a victory. He thought Judge Knapp's charge was a
just one, and he telt very indigmant over the abuse
which he said had been heaped upon him because of it.
Mr. McGill thought that counsel might take advantage of their privilege under the law and have
a foreign jury—that is, a jury composed of residents
of another county—to try the case in September. He
did not think that he would have any trouble
in getting his witnesses. There were a number
that he would not now have use for, and there were
a tow who had never been called that he will have to
get. He said that he had some new testimony, and
expected to be able to get even more before the day
of the trial. He thought that counsel for the defence would offer no objection to a speedy trial, and
he felt confident of as prompt conviction as before.

A BROKEN NECK.

ACCIDENTAL DEATH OF HENRY P. MASON, OF NEWPORT.

The body of a man about forty years old was found yesterday morning. He had evidently fallen down the steps, and his neck was broken. The body was salesman, of Newport, R. I., and, it is said, a nephew of ex-Mayor Swinburn, of that place. Some business acquaintances of the deceased took charge of his remains. They say that he was subject to fits

of his remains. They say that he was subject to fits of some kind.

Henry Mason was a son of one of Newport's most honored citizens, who died four years ago. He was brother of Miss Mason, alias Alice Trevaline, who created quite a sensation in this city about two years ago, whon she was arrested while in male clothing, and who subsequently died a terribic death at a hospital in Nowport, after giving the name of the person who had caused her downfall. The remainder of the family permanently removed from this place on account of the disgrace brought upon them by the wayward daughter whose brief but eventful history was told in the Henalle at the time. The death of the son will be a crushing blow to them. Another son fell from the masthead of a vessel in Newport harbor several years ago and was instantly killed.

IS SHE MARRIED?

A PROBLEM THAT PUZZLED A BROOKLYN JURY-DANGER OF VERBAL CONTRACTS.

A novel suit came up before Justice Semler. self Barbara Rau, alias Mrs. Meinzer, sued Jacob C. Meinzer, a Brooklyn lawyer, for abandonment. Schuetzen Park, Brooklyn, and soon after Barbara promise, and placed her damages at \$10,000. She finally withdrew the complaint and began another action for bastardy. The verdict was against Meinzer, and he was compelled to pay \$2 per week alimony for the support of mother and child. It was alleged that defendant, for the purpose of avoiding annoyance, paid over \$300 at one time. This money plaintiff expended rapidly, and finding herself with no other means of support sued for abandonment and alimony. Plaintiff is a German woman, who cannot speak English. By the aid of an interpreter she swore that she married defendant, not by ceremony, but by verbal agreements given on several occasions, and on one occasion particularly when in a saloon kept by a Mr. Hobbein. Barbara, who is about twenty-nine years of age, appeared in Court yesterday, attired in a brown silk dress. She testified that she resided at No. 18 Cook street; that she had not resided with defendant, who was her husband, since September, 1877; witness had one child by Meinzer, who had given her but \$22 since he lott her; no ceremony had been performed, but detendant had acknowledged plaintiff to be his wife; finally withdrew the complaint and began another child by Meinhar, who has given her but \$22 since he loft her; no ceremony had been performed, but detendant had acknowledged plaintif to be his wife; he had so introduced her to Mr. Hobbein; detendant had promised to marry her, witness said, when the child was baptized.

Michael Sussman, of No. 56 Ten Eyck street, testi-fied that the plaintiff had said she was married to

Meinzer.

Ernest Zimmerman, of No. 526 Sixth street, of this city, testified that defendant admitted to him that plaintiff was his wite; plaintiff was a sister of witplaintiff was his wite; plaintiff was a sister of witness, wife.

Alderman Petry, who resides at No. 115 Lorimer street, testined that he was invited into plaintiff's house one Sunday evening by the detendant, who said the occasion was his marriage ceremony, and he wanted witness to take part in the festivities; witness did not see the ceremony performed, but drank a glass of wine and wished the bride and groom happiness and success.

Bey, John Neander, paster of a German Baptist Church, testified that he baptized the child.

After considerable argument the case was given to the jury, who after mature deliberation were unable to agree.

THE AMERICAN ARCTIC EXPEDITION

GREAT RESULTS EXPECTED.

(From the London Times, July 10.1

Our New York correspondent telegraphed yesterday that the Polar expedition sailed from San Franetsee on Tuesday. About three weeks before leaving the members of the expedition were received by the San Francisco Academy of Science, where some of them gave addresses, but they purposely refrained from giving any details as to their programme. The leading members of the expedition are Lieutenant S. W. De Long, United States Navy, commander; Lieutenant C. W. Chipp, executive ofheer; Lieutenant J. W. Dannheimer, navigator; G. W. Meliville, chief engineer; J. W. Ambler, surgeon; Jerome J. Collins, meteorologist and special correspondent of the Herald; K. L. Newcomb, naturalist. The selection of both ofheers and men has been made with the greatest care, and, aithough the expense of the expedition is defrayed by private funds, by an act of Congress it has been piaced under the charge of naval omeers, and has received the fostering care and encouragement of the United States Navy Department. The expedition is peculiar as being the first nited out to peactrate the nighest regions of the north by way of Behring Straits. Ships have heretofore passed through these straits to attempt the rescue of Franklin and for coast exploration, but this is the first purely Polar expedition by this route. The seventy-first degree is about the highest latitude reached in this direction, so that there is plenty of room for fresh work, even if the Pole should not be reached. Mr. Collins, who, when at home, acts as meteorologist for the Heraald, expects great results in his own particular department. He proposes to make his investigations in connection with the internstional system, and see if it can be determined what changes occur with changes of latitude. His impression is that the Pole is the ultimate point reached by storm centres, and that there they become dissipated, to be reformed in the equatorial zone. The expedition is besides to make investigations as to the magnetic condition of the region to be visited, as well as the geological and other conditions of which science takes cognizance. A good deal may be expected from an expedition that has been organized in so quiet and business-like a manner, and whose members prefer to San Francisco Academy of Science, where some of them gave addresses, but they purposely refrained

THE DARIEN CANAL.

Your issue of to-day contains a cablegram from

London, England, announcing that M. De Lesseps has deposited in a London bank, to the credit of the Colombian government, the sum of 750,000f, as a guarantee preliminary to the commencement of the l'anama Canal. It should be understood, howof the Panama Canal. It should be understood, how-ever, that this sum, equivalent to \$150,000, as the Herald states, is provided by the concession of March, 1878, to be deposited in Colombias extraneous bonds, which were quoted at the last mail advices at 33½ in the London market, so that, after all, the large figures of 750,000° are reduced to something less than \$50,000 in our currency. SIDNEY F. SHELBOURNE. No. 11 Gold Street, July 20, 1879.

Agonizing Scene at the Home of His Mother.

COMPANY LED HIM AWAY.

The Prison Warden on His Treatment and the Possibility of Revolt

The mortal remains of the young convict, John Barrett, who was shot down in Sing Sing Prison on Friday, as he was about to head a mutiny of his fellow convicts, as detailed in Saturday's Henald, left scene of the tragedy at three o'clock yesterday afternoon and reached his mother residence at No. To say that the body was quietly and unobtrusively brought back on the very anniversary of the young convey but a faint hint of the distressing scenes that preceded and accompanied its reception. As the nely undertaker's cart drove up rapidly with the coffin containing Barrett's corpse, along First avenue and into Thirty-first street, amid a pouring rain, the stables opposite the respectable looking tenement were at once lined with a curious, though deggedlooking crowd. Screams of anguish and fear again and again repeated, were heard emanating from the second before the entire street was crowded with people, who knew, as if instinctively, that the remains now rought to the door of a neighbor were those of John Barrett, the convict shot dead in Sing Sing Prison by one of his keepers. The pelting rain did not deter the residents of that vicinity from crowd ing the sidewalk. When the time came to lift the in from the cart, lads ranging from nineteen to twenty-two stood by silently, without stirring even a muscle in their well developed bodies. "Isn't you fellows going to give me a lift," said Mr. Barrett the father of the dead boy, as he was endeavoring sible. There was not a word of response; he tion, plain, downright hesitation, was marked on the faces of these lads, every one of whom, though crowding around the cart, appeared listless, as if would at all place him in an unenviable position This is my son, this is," said Mr. Barrett, touch of human nature conveyed in that single word, "son," soon brought all the arms and mus cle required to the coffin. These lads did not ever wait for the closing words of the father's sentence, and at once took hold of the remains and carried it up two flights of stairs into the presence of the mother.

were enough to throw even a most stoical human preserved woman, bordering on the fifties, accomschools of New York, crying bitterly and holding on tightly to his mother's skirts. Next to her were two regardless of strangers who accompanied the remains rayed, moaned, and ranted like a veritable maniac. She threw herself upon the coffin, almost lifted up the head of her dead boy in her arms and kissed it lived with his wife during three long years, and who had carefully guarded the remains since their departure from Sing Sing, could not bear to witnes the mother's terrible grief. "This is his birthday-This is the day to come home to me. Oh, God! Oh, God! how can I stand this, and the writer unable any longer to view the mother's anguish left the room. Fortunately brave women, who had known Mrs. Barrett while she resided in Thirty-first street, happened to come in. They had known Johnny too, but never had been made acquainted with the fact that he had been sent to Sing Sing, though when arrested he rewomensuccocded in quieting the domeanor of Mrs. Barrett and made her sit down. The undertaker in the meantime had perfected his arrangements, laid out the remains in as respectful a manner as if Barrett had died in a noble cause, and the two candelabras had died in a noble cause, and the two candelabras which add such a conspicuous glow to mortuary scenes, were not wanting. Matters settled down finally to a calmness that permitted others to enter, and there, over the body of John Barrett, the insurgent leader of Sing Sing Prison, stood his rather and mother—those who had given him life—in silent contemplation of the events which had proceded his untimely end.

To inquire what these events were, considering the apparent comicort which surrounded the Barrett

A DISTRESSING SCENE.

To describe the scene that here followed surpass the power of the writer. The surroundings alone

not inquire what these events were, considering the apparent council which surrounded the Barrett habitation, naturally lied the reporter once more into the interest of the control of the property of the pr

vict was still moaning piteously until past the hour of sunset.

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The funeral of John Barrett will take place on Monday afternoon, from the residence of his mother at No. 350 East Thirty-third street, and the remains will be buried in Calvary Cemetery.

AT SING MING.

In the great industrial hive on the Hudson, where 1,600 of Earrett's fellow untortunates, living under the ban of "hard labor," went about their work, under the eyes of vigilant overseers, no indication was given yesterday of the late tragedy in the foundry. Over the very ground where the maddense convicted, pierced through the heart, the moulders walked to and fro, carrying molten metal from the furnace to the easting boxes. Noticeable among the uniformed gang was the fierce Belmont, who attempted to kill the officers who braught him to the jail on Thursday. He looked mild enough, and pienty of hard work, lack of which he will not have to complain of during the coming years, may tend to tame his ferceity. The discipline of Sing Sing being of the most rigid kind, no conversation on the subject of the tragedy has been permitted, and many or the man in the place have not yet heard of Earrett's fate. A Hengto reporter visiting the jail had a conversation with Mr. Dayis, the Warden, concerning the treatment of the dead convict. The Warden admitted that the paddling he received for throwing his s ops over the doctor was severe. "If," said he, "such an outrageous piece of insubordination were permitted to go unpanished, it would be copied and improved on by the others, and I would be unable to hold these men in check." As to the amount of punishment inflicted on Earrett, the Warden said he had received all he could endure.

An inquiry into the possibility of the men grow.

rett, the Warden said he had received all he could endure.

An inquiry into the possibility of the men growing unmanageable under such circumstances as those which obtained on Friday during the parley between Barrett and the keepers developed the fact that it would have been only a local aff ir. The Warden declares that such a thing as a general revolt has been provided against in the discipline of the jail. It was quite possible for the men in the foundry, where the scene occurred, to have revolted, but such is the system of "runners" in vogue, that the men in other shops would have been locked up before an insurrectionary alarm could be given. Admitting the possibility of a general revolt, for the sake of argument, Mr. Davis is quite prepared to keep the men within the jail limits until they could be mastered. This faith is shared by the villagers, who seem to have no fear of being harmed by a delivery of convicts.

WASHINGTON IRVING'S COACHMAN.

DEATH OF WILLIAM DILLON, OF PENNS BRIDGE, WESTCHESTER COUNTY, FROM A FALL RECEIVED WHILE FIGHTING-HIS AS

William Dillon of Penny Bridge, between Irvington and Tarrytown, who was formerly Washington Irving's coachman, died on Friday morning of the effects of a fall, having been knocked down by William Newman on Main street, in Tarrytown, on Wednesday afternoon. The circumstan so serious a result were by no means extraordinary, observed in relation to the case :- "Dillon is dead Rum was his murderer. He was a man who lived times a year he would indulge in furious and prolonged sprees, when for days together he was irreone of these sprees that he went, on Wednesday last main street of Tarrytown. The place is kept by John Losee, whose wife was at the time engaged in her kitchen, and whose son Frank was tending the bar. A single customer, Mr. S. E. Pisher, a hardward merchant, of Tarrytown, was in the barroom when

Dillon entered. Frank Losee, seeing the condition in which Dillon was, refused to supply him when he called for a drink, and he grew very angry. After arguing the matter noisily for a few minutes, and fluding that he could not get liquor, he reached suddenly over the bar, and, seizing the boy by the hair, tried to lowed, in which Frank managed to tree himself, and then Dillon attacked Mr. Fisher, trying, as the vilthen Dillon attacked Mr. Fisher, trying, as the villagers expressed it, to mop the floor with him.
Fisher having no faney for a fight with a drunken
man, escaped by the back door, and Dillon, dissatsatied with his ill success, went into the kitchen,
where he assailed Mrs. Losee with a volume of
abusive and profane language. She was alarmed,
and escaping from the room, ran to the front of the
house, when she looked around for help. Seeing
William Newman at a little distance, she called to
him and asked him to put Dillon out of the house,
Newman responded promptly to the summons, and
without much difficulty succeeded in getting Dillon
into the street.

Into the street.

A FATAL BLOW. •

Dillon walked sway, but in a few minutes returned to the door of the saloon. Newman was still standing there, and as Dillon attempted to push by him and enter he repulsed him, without, however, using any violence at first. From this point the testimony of the eye witnesses differs slightly. Newman says that when Dillon tried the second time to enter he pushed him away with his foot. Some of those who were looking on say he kicked Dillon away. Dillon staggered back three or four steps till he came to a box 1ying on the outer edge of the sidewalk, and half falling and half sitting down on this he remained for a minute or so, evidently confused, but apparently not hurt. Probably the kick was not a violent one. It was enough, at all events, to provoke Dillon, for, spitting on his hands, he "aquared off" and attempted to spar with Newman. Newman does not appear, from all accounts, to have shown any anger, even when Dillon struck at him, hitting him either in the breast or shoulder; but he struck in return, hitting Dillon in the face. He says no struck him with his open hand, and this is corroborated by some of the witnesses. Some, however, think he struck with his fist, and one witness, a

struck him with his open hand, and this is corroborated by some of the witnesses. Some, however, think he struck with his fist, and one witness, a young man named Calcher, says that he saw Newman strike twice in rapid succession, getting the second blow in while Dillon was falling. Calcher, however, did not notice that Dillon was drunk, and as he is the only one who says anything about the blows struck by Newman, it is thought that he is mistaken. Newman himself says he struck only one blow with the paim of his hand. Dillon staggered back the second time and fell. This time he fell on his back, striking the back of his head against a stone and sustaining a fracture of the skull. He was picked up and carried to his home at Penny Bridge, a mile or so away, where he lingered on until Friday morning.

Immediately on hearing of Dillon's death Newman delivered himself into the custody of Justice Mann, of Irvington. An inquest was yesterday held by that official, and the foregoing facts being established by the testimony, a verdict of excussible homicide was rendered by the jury and Newman was discharged by the justice.

Dillon was about forty-eight years old and an Irishman by birth. He was a large man, with fiery red hair and whiskers. He came to this country when he was a young man and was for a time employed by Washington Irving as a coachman. After the death of the famous author he was employed by Mr. Holdridge to care for his place between irvington and Tarrytown, and to sorve as coachman and gardener. He was married to a very estimable woman, and their six children are known in the Irvington sation master says that some time ago, when Dillon was on one of his periodical sprees, he came to the railroad station, and, being noisy, was requested to leave. He did so without making any trouble, and started to walk home on the railroad track. He had come to a culver less than half a mile away, when an express train came along. The ougineer whistied to him as a signal to get out of the way, but he turned and shook his

day afternoon made a post-mortem examination on the body of Addie Allyn, the young woman who the body of Addie Allyn, the young woman who was supposed to have died from malpractice. The Doctor, after completing his examination, said that he had found nothing that would lead him to believe that there had been any operation performed with the aid of instruments, and he thought it probable the birth might have been produced by weakness, brought on by consumption, from which the woman was suffering. The inquest will take place on Tuesday next. Up to a late hour last night the police had made no arrests,

SUICIDE OF AN OCTOGENARIAN.

The little village of Macopin in the upper part of Passaic county, N. J., near Echo Lake, was yesterday thrown into considerable excitement by the discovery that Mr. Garret Vreeland, a farmer, eightycovery that Mr. Garret Vreeland, a farmer, eightyseven years of age, had committed suicide. His body
was found early yesterday morning hanging from a
ratter in the barn. The discovery was made by one
of the hands employed on his farm. Mr. Vreeland
leaves a wife over eighty years of age, with
whom he has spent an apparently happy life for over
fifty years, and a large family of children, grandchildren and great-grandchildren. Most of these are
settied as farmers in the northern portion of Fassaic
county, and are among the most wealthy and respectable citizens of the county. No cause whatever can
be assigned for the act, and it is believed to have
been committed in a fit of aberration of mind.